

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EMANUELE STEVENS, *individually and
on behalf of all others similarly situated,*

Plaintiff,

v.

PEPSICO INC., BOTTLING GROUP, LLC,
CB MANUFACTURING COMPANY,
INC., FL TRANSPORTATIONS, INC.,
FRITO-LAY, INC., GOLDEN GRAIN,
INC., GRAYHAWK LEASING, LLC,
JUICE TRANSPORT, INC., NEW BERN
TRANSPORT CORPORATION, PEPSI
NORTHWEST BEVERAGES, LLC,
PEPSI-COLA SALES & DISTRIBUTION,
INC., PEPSI-COLA BEVERAGE SALES,
LLC, PEPSICO SALES, INC., QUAKER
MANUFACTURING, LLC, ROLLING
FRITO-LAY SALES, LP, SVC
MANUFACTURING, INC., TROPICANA
MANUFACTURING CO., TROPICANA
PRODUCT SALES, INC., TROPICANA
SERVICES, INC.,

Defendants.

MOISES MADRIZ AND RODNEY
ULLOA, *individually and on behalf of all
others similarly situated,*

Plaintiff,

v.

PEPSICO, INC.; NAKED JUICE CO.;
NAKED JUICE CO. OF GLENDORA,
INC.; TROPICANA PRODUCTS, INC.;
and TROPICANA SERVICES, INC.,

Defendants.

CASE NO. 7-22-cv-00802-NSR

**NOTICE OF PLAINTIFFS' MOTION
FOR (1) PRELIMINARY APPROVAL
OF CLASS AND COLLECTIVE
ACTION SETTLEMENT; (2)
CERTIFICATION OF THE PROPOSED
SETTLEMENT CLASSES; (3)
CONDITIONAL CERTIFICATION OF
THE PROPOSED FLSA
COLLECTIVE; (4) APPOINTMENT
OF THE UNDERSIGNED COUNSEL
AS CLASS COUNSEL; (5)
APPROVAL OF THE PROPOSED
NOTICE OF SETTLEMENT; (6)
APPROVAL OF THE SETTLEMENT
ADMINISTRATOR; (7) AN
INJUNCTION UNDER THE ALL
WRITS ACT ENJOINING RELATED
STATE COURT CASES; AND (8)
SCHEDULING A FAIRNESS
HEARING FOR FINAL APPROVAL
OF THE SETTLEMENT**

RICARDO VIDAUD and JORGE)
MENDOZA, *each individually and on*)
behalf of all others similarly situated,)
)
Plaintiff,)
)
v.)
)
PEPSICO INC.,)
)
Defendant.)

SETH MARSHALL and MATTHEW)
WHITE, *individually and on behalf of all*)
others similarly situated,)
)
Plaintiffs,)
)
v.)
)
PEPSICO INC., BOTTLING GROUP, LLC,)
and CB MANUFACTURING COMPANY,)
INC.,)
)
Defendants.)

TYRELL KING, *individually and on behalf*)
of all others similarly situated,)
)
Plaintiff,)
)
v.)
)
PEPSICO INC.,)
)
Defendant.)

KENNETHA MITCHELL, *individually and
on behalf of all others similarly situated,*

Plaintiff,

v.

PEPSICO INC.,

Defendant.

DONEDWARD WHITE, *individually and
on behalf of all others similarly situated,*

Plaintiff,

v.

PEPSICO INC.,

Defendant.

JAMAL WINGER, *individually and on
behalf of all others similarly situated,*

Plaintiff,

v.

THE QUAKER OATS CO.,

Defendant.

ALLISON POULSON, *individually and on
behalf of all others similarly situated,*

Plaintiff,

v.

PEPSICO INC. d/b/a PFS and FRITO-LAY,
INC.

Defendants.

ROBNEY IRVING-MILLENTREE,
*individually and on behalf of all others
similarly situated,*

Plaintiff,

v.

PEPSICO INC.,

Defendant.

TRACY ELLIS, *individually and on behalf
of all others similarly situated,*

Plaintiff,

v.

PEPSICO INC.,

Defendant.

THOMAS PARRISH, *individually and on
behalf of all others similarly situated,*

Plaintiff,

v.

FRITO-LAY NORTH AMERICA, INC. and
PEPSICO, INC.

Defendants.

DEVIN DROBSCH, *individually and on
behalf of all others similarly situated,*

Plaintiffs,

v.

PEPSICO INC.,

Defendant.

JOSHUA SMITH, *individually and on
behalf of all others similarly situated,*

Plaintiff,

v.

PEPSICO INC.,

Defendant.

JACOB TSCHUDY, <i>individually and on</i>)
<i>behalf of all others similarly situated,</i>)
)
Plaintiff,)
)
v.)
)
PEPSICO INC.,)
)
Defendant.)
_____)

PLEASE TAKE NOTICE that upon the Declaration of Seth R. Lesser, dated July 15, 2022, together with the exhibits annexed thereto; and the accompanying memorandum of law, Plaintiffs, by and through their undersigned counsel, shall jointly move this Court, Honorable Nelson S. Román, United States District Judge, on a date to be determined by the Court, for an Order as follows: (i) granting preliminary approval of the proposed class and collective action settlement (“Settlement”) set forth in the Settlement Agreement (“Settlement Agreement”), attached as Exhibit A to the Declaration of Seth R. Lesser; (ii) certifying the proposed settlement classes, for settlement purposes only, under Federal Rule of Civil Procedure 23(b)(3); (iii) conditionally certifying the proposed FLSA Collective, for settlement purposes only, under 28 U.S.C. 216(b); (iv) appointing the undersigned as Class Counsel; (v) approving the proposed Notice of the Settlement attached to the Settlement Agreement, (vi) approving the Settlement Administrator; (vii) enjoining related state court cases pursuant to this Court’s authority under the All Writs Act; and (viii) scheduling a fairness hearing for final approval of the Settlement.

Per the Court's Order (ECF Docket No. 54), this notice of motion and the supporting papers are being filed in the first-captioned case, above, which is the lead settlement case.

Rye Brook, New York
Dated: July 15, 2022

Respectfully submitted,

KLAFTER LESSER LLP

/s/ Seth R. Lesser

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*Attorneys for Plaintiffs, Proposed FLSA Settlement
Collective, and Proposed Fed. R. Civ. P. 23
Settlement Class and Subclasses*

CERTIFICATE OF SERVICE

The undersigned certifies that on July 15, 2022, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system which sends notification of such filing to the following counsel of record:

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/s/ Seth R. Lesser _____
Seth R. Lesser